

# Town of Frederick Board of Trustees



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AM 2010-109

## To Consider Amendments to Land Use Code Article 3 and Municipal Code Article IV Regarding Medical Marijuana

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**Agenda Date:** October 26, 2010

**Attachments:**

- a. Draft Amendments to Article 3
- b. Draft Amendments to the Municipal Code
- c. Ordinance

**Fiscal Note:** None noted

  
Administrative Services Director

**Submitted by:** Jennifer Simmons  
Planning Director

**Approved for Presentation:**   
Town Administrator

**AV Use Anticipated** Projector \_\_\_\_\_ Laptop \_\_\_\_\_

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**Certification of Board Approval:**

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Date

### **Summary Statement:**

The Board of Trustees directed staff to prepare regulations related to medical marijuana that would be adopted prior to the expiration of the moratorium that is currently in place.

### **Detail of Issue/Request:**

The attached draft amendments to Land Use Code Article 3, Zoning, and Article IV of the Municipal Code have been crafted and reviewed by Planning, Police, and Attorney's office at the direction of the Board of Trustees. The direction of the Board was to prohibit medical marijuana commercial ventures from locating within the Town of Frederick. State Statute allows the prohibition of medical marijuana

centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers based on local government zoning, health, safety, and public welfare laws, however, it does not allow the prohibition of primary caregivers.

**Review Criteria:**

Section 4.7.9.b. For the purpose of establishing and maintaining sound, stable, and desirable development within the Town, the text of this Land Use Code shall not be amended except:

- (1) To correct a manifest error in the text of this Code;
- (2) To provide for changes in administrative practices as may be necessary to accommodate changing needs of the community and the Town staff;
- (3) To accommodate innovations in land use and development practices that were not contemplated at the adoption of this Code; or
- (4) To further the implementation of the goals and objectives of the Comprehensive Plan.

The proposed amendment provides for changes in administrative practices, and furthers the implementation of the goals and objectives of the Comprehensive Plan relating to quality growth.

**Public Notice:**

This project was properly noticed according to the requirements of Section 4.5 of the Frederick Land Use Code.

**Planning Commission:**

This project was considered by the Planning Commission at the meeting held October 19<sup>th</sup>, 2010. Because of the timeline associated with packets, minutes from the meeting and the associated Planning Commission Resolution will be provided via e-mail as soon as possible following the meeting. Staff recommends approval of the amendment to Planning Commission.

**Legal/Political Considerations:**

All revisions have been reviewed by the Town Attorney.

**Alternatives/Options:**

The Board of Trustees may choose from the following options or recommend another alternative:

- Approve the request to amend the Land Use and Municipal Code.
- Deny the request to amend the Land Use and Municipal Code.
- Approve the request to amend the Land Use and Municipal Code with conditions.

**Financial Considerations:**

Not Applicable.

**Staff Recommendation:**

Staff recommends approving the Land Use and Municipal Code amendments.